

DECISION

12126
PL-11
Mr. Feldman
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE:

B-194748.2

DATE: November 27, 1979

MATTER OF:

Midwest Engine, Inc.

DLG02537

[Protest Alleging Improper Suspension]
DIGEST:

1. Would-be contractor properly may be excluded from receiving Government contracts during term of suspension, even though it has requested agency reconsideration of suspension decision.
2. GAO will not consider matter which is properly before agency Board of Contract Appeals.

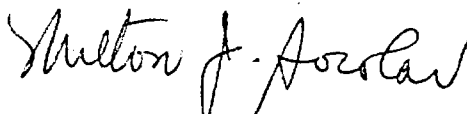
Midwest Engine, Inc. (Midwest), a suspended contractor, protests the potential award of any contract under invitation for bids (IFB) GSD-8DPR-90007, issued by the General Services Administration (GSA). Midwest contends that it was improperly suspended and that no award should be made on this procurement until the suspension issue is resolved. Midwest also sets forth a variety of reasons to support its assertion that the suspension was improper. AGC00017

Generally, a suspended firm is ineligible for Government contracts during the term of the suspension. Federal Procurement Regulations (FPR) 1-1.605-5(a). Suspensions are for a temporary period pending completion of an investigation and any legal proceedings which may take place. FPR 1-1.605-2(a). According to the regulations, a suspension cannot be for a period longer than 18 months unless prosecutive action has been initiated in that time. Thus, during the term of the suspension GSA properly can preclude Midwest from receiving an award even though the protester has asked for reconsideration of the suspension determination. Removal of the suspension is for GSA's determination under FPR 1-605-2. B-171194, April 2, 1971.

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With respect to the propriety of the suspension itself, Midwest states that, following the suspension on August 24, 1979, a hearing was held before GSA's Board of Contract Appeals and the suspension was affirmed. *DLG00722* Midwest has requested the Board to reconsider its decision. We consider it inappropriate to interject ourselves in a matter which is properly pending before the Board. See Union Carbide Corporation, B-188692, B-191319, B-191491, May 18, 1978, 78-1 CPD 380.

The protest is summarily denied.



For The Comptroller General
of the United States